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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,350	08/15/2003	Spencer B. Dick	PAI 308B	1601

7590 10/04/2007  
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EXAMINER
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LANDRUM, EDWARD F

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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10/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/642,350

Applicant(s)

DICK, SPENCER B.

Examiner

Edward F. Landrum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "56a" and "66" have both been used to designate the second T-slot. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "56b" and "68" have both been used to designate the

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third T-slot. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "52" and "80" have both been used to designate the slot in the guide rail. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

5. The disclosure is objected to because of the following informalities: Pages 4 and 5 of the specification use the three sets of reference characters listed in sections 2-4 above to describe the second T-slot, the third T-slot, and the slot in the guide rail respectively. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hadaway et al (U.S Patent No. 5,524,514), hereinafter Hadaway.

Hadaway teaches (see Figure 3) a linear positioning system for a rip fence that includes a threaded rod (2) mounted inside a housing (8) that has a longitudinal track (indent on right side of housing in Figure 3) adjacent a longitudinal opening in the housing. The longitudinal track is used to prevent rotation of the carriage when moving along the threaded rod (2). A carriage (7) is configured to move back and forth on the rod (2) and the longitudinal track. The carriage also extends through the longitudinal opening in the housing. A rigid coupling device (11) is connected to a fence (12) as well as the carriage (7) to allow the fence to move with the carriage.

Hadaway teaches all of the elements of the current invention as stated above except the housing being cylindrical.

It would have been an obvious matter of design choice to modify Hadaway by having the housing be cylindrical, since applicant has not disclosed that having the housing be a specific shape solves a specific problem or is for any particular purpose and it appears that the housing would perform equally being of any shape that allowed the user to easily connect the housing to a table saw as well as easily allow parts to be connected to the housing.

8. Claims 1-6, 9-14, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Hadaway in view of Dawley (U.S Patent No. 5,845,555), Shiotani et al (U.S Patent No. 5,293,802), hereinafter Shiotani, Wang (U.S Patent No. 6,439,280), and Theising (U.S Patent No. 5,181,446).

The modified device of Hadaway teaches all of the elements of the current invention as stated above except the use of T-shaped slots on the carriage member, as well as the use of a T-shaped track on that interacted with one of the T-shaped slots of the housing member and other connections between the slots and parts associated with the coupling member and the fence. The modified device of Hadaway further fails to teach T-shaped slots on the housing.

Dawley, Shiotani, Wang, and Theising all teach that it is old and well known to provide T-shaped slots and corresponding track members on housings and carriages associated with longitudinally moveable parts as well as provide various other connections to connect different parts rigidly to T-shaped slots.

The examiner takes official notice that the use of T-shaped slots and respective connections is a standard mechanical connection as it has been a standard practice to

use these types of connections in joining members that are made to be adjustable, replaceable, or easily assembled or disassembled. Companies such as 80/20 Inc. have been specializing in manufacturing these types of extruded products and connections since at least 1998. Furthermore, the device of Hadaway has already taught a low friction means (the wheels (10)) to connect engage the carriage with the housing to prevent rotation of the carriage with respect to the threaded shaft. Therefore it would have been an obvious design choice to have modified the modified device of Hadaway to incorporate the teachings of Dawley, Shiotani, Wang, and Theising to provide the proper joints and connections as listed in claims 1-6, 9-14, and 16 as it has been held that there would be no invention in changing the form or shape of objects as the configuration of an object is nothing more than one of numerous configurations a person of ordinary skill in the art would find obvious for the purpose of attaching a carriage to the housing and fence, as well as attach the housing to other support structures.

9. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Hadaway as stated in section 8, in view of Stein et al (U.S Patent No. 6,039,228), hereinafter Stein.

The modified device of Hadaway teaches all of the elements of the current invention as stated above except the use of an anti-friction material on the T-slot between the T-shaped track and the T-slot.

Stein teaches (Col. 7, lines 21-59) that it is old and well known in the joints and connections art to provide anti-friction materials such as nylon between two metal objects designed to slide relative to each other.

It would have been obvious to have modified the modified device of Hadaway to incorporate the teachings of Stein to provide ant-friction materials between parts moveable sliding parts as doing so would limit friction thereby reducing strain on the motor as well as prolong the life of the sliding parts by reducing wear.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-6, and 8-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dick (U.S Publication No. 2002/0157515), and Biesemeyer (U.S Patent No. 4,206,910) teach elements of the current invention.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL  
9/17/2007



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SUPERVISORY PATENT EXAMINER